IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3914 of 1989
with
SPECIAL CIVIL APPLICATION No 7358 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT STATE SALES TAX NAN- GAZETTED EMPLOYEES ASSO

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3914 of 1989
MR NIRZAR DESAI for YN OZA for Petitioners
MR RC KODEKAR, AGP for Respondent No. 1-2

2. Special Civil Application No. 7358 of 1989
MR NK MAJMUDAR for Petitioner No. 1
MR RC KODEKAR, AGP for Respondent Nos. 1-1/4
MR NIRZAR DESAI for MR YN OZA for
Respondent Nos. 2-5

CORAM : MR.JUSTICE R.K.ABICHANDANI
and

MR.JUSTICE KUNDAN SINGH

Date of decision: 25/10/2002

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

#. When these petitions in which resolution dated 31st January, 1976, which provided for 100 point roster for filling in the vacancies from the reserved quota and general category were called out, it has been pointed out that the said resolution and various resolutions amending that resolution were considered in great detail in R.K. Prajapati & ors. Vs. State of Gujarat & ors., reported in 33(2) GLR 1422 and in para-54 of the judgment , the Division Bench has held that the latest position regarding policy of reservation adopted by the State clearly postulated that there has been reservation quota of all vacancies for SC/ST in promotional avenues and effort should be made at all times to maintain such quota on permanent basis. In view of the reservation policy in respect of the vacancies which are to be filled in by promotion having remained operative right from the resolution dated 31st January, 1976 till now and in view of the decision of the Division Bench of this Court in R.K. Prajapati (supra), the learned counsel for the petitioners in these two petitions state that they do not press for these petitions as the issue is concluded by the Division Bench of this Court and we also feel that the policy of reservation as envisaged in the impugned resolution dated 31st January, 1976, as amended from time to time, has come to stay and more particularly, in view of the policy now having been incorporated in Article 16(4A) of the Constitution by an amendment, which came into force by virtue of the Constitution (77th Amendment) Act, 1995, the challenge against the policy of reservation in the vacancies which are to be filled in by promotion cannot be countenanced. Rule is therefore discharged with no order as to costs.

[R.K. ABICHANDANI, J.] [KUNDAN SINGH, J.]

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